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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,466	10/22/2002	Cameron Brackett	124854	5645

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EXAMINER	
PAN, JOSEPH T	

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/065,466	BRACKETT ET AL.	
	Examiner	Art Unit	
	Joseph Pan	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 October 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/21/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's response filed on September 15, 2006 has been carefully considered. Claims 1, 12, 15-16, and 19-22 have been amended. Claims 1-25 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 9-11, 16-18, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Zubeldia et al. (U.S. Patent No.: 6,397,224 B1).

Referring to claims 1, 20:

Zubeldia et al. teach:

A method for creating anonymity in collecting patient data, the method comprising:

receiving a medical report for a patient including patient identification data (see figure 2, element 52 'data record' received from input database, of Zubeldia et al.);

searching a patient record for an anonymous patient identifier corresponding to said patient wherein said patient record includes one ore more of the

patient identification data; said searching returns said anonymous patient identifier in response to locating said anonymous patient identifier and said searching returns a null value in response to not locating said anonymous patient identifier (see figure 2, element 68 'anonymization code database'; and column 3, lines 22-28, of Zubeldia et al.);

creating said anonymous patient identifier corresponding to said patient if said searching returns said null value (see figure 2, element 74 'anonymization code generation module'; and column 2, line 65, through column 3, line 3 of Zubeldia et al.);

adding said anonymous patient identifier to said medical report (see figure 2, element 80 'anonymization code insertion module'; and column 3, lines 22-28 of Zubeldia et al.);

removing said patient identification data from said medical report (see figure 2, element 78 'identifying element removal module'; and column 3, lines 22-28 of Zubeldia et al.); and

transmitting said medical report to a data repository in response to said removing (see figure 2, element 82 'data record' transmitted to output database, of Zubeldia et al.).

Referring to claim 3:

Zubeldia et al. teach the claimed subject matter: a method for creating anonymity in collecting patient data (see claim 1 above). Zubeldia et al. further disclose the date/time component (see column 2, lines 18-21; and column 4, lines 3-39 of Zubeldia et al.).

Referring to claim 9:

Zubeldia et al. teach the claimed subject matter: a method for creating anonymity in collecting patient data (see claim 1 above). Zubeldia et al. further disclose said patient identification data includes one of name, medical record number and social security number (see column 1, lines 63-65; and column 2, lines 18-21 of Zubeldia et al.).

Referring to claims 10-11:

Zubeldia et al. teach the claimed subject matter: a method for creating anonymity in collecting patient data (see claim 1 above). Zubeldia et al. further discloses the encryption (see column 5, lines 65-67 of Zubeldia et al.).

Referring to claim 16:

Zubeldia et al. teach:

A system for creating anonymity in collecting patient data, the system comprising:

a network (see figure 1, element 30 of Zubeldia et al.); and

a host system in communication with said network (see figure 1, element 12 of Zubeldia et al.), said host system including software to implement the method comprising:

receiving a medical report for a patient including patient identification data (see figure 2, element 52 'data record' received from the input database, of Zubeldia et al.);

searching a patient record corresponding to said patient for an anonymous patient identifier wherein said patient record includes one or more of the patient identification data, said searching returns said anonymous patient identifier in response to locating said anonymous patient identifier and said searching returns a null value in response to not locating said anonymous patient identifier (see figure 2, element 68 'anonymization code database'; and column 3, lines 22-28 of Zubeldia et al.);

creating said anonymous patient identifier corresponding to said patient and storing the anonymous patient identifier in the patient record if said searching returns said null value (see figure 2, element 74 'anonymization code generation module'; and column 2, line 65, through column 3, line 3, of Zubeldia et al.);

adding said anonymous patient identifier to said medical report (see figure 2, element 80 'anonymization code insertion module'; and column 3, lines 22-28 of Zubeldia et al.);

removing said patient identification data from said medical report (see figure 2, element 78 'identifying element removal module'; and column 3, lines 22-28 of Zubeldia et al.); and

transmitting said medical report to a data repository in response to said removing (see figure 2, element 82 'data record' transmitted to output database, of Zubeldia et al.).

Referring to claim 17:

Zubeldia et al. teach the claimed subject matter: a system for creating anonymity in collecting patient data (see claim 16 above). Zubeldia et al. further disclose the Internet (see figure 1, element 40 of Zubeldia et al.).

Referring to claim 18:

Zubeldia et al. teach the claimed subject matter: a system for creating anonymity in collecting patient data (see claim 16 above). Zubeldia et al. further disclose the intranet (see figure 1, element 14 of Zubeldia et al.).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2, 15, 19, 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zubeldia et al. (U.S. Patent No.: 6,397,224 B1) in view of Brandin et al. (U.S. Patent No.: 6,157,617).

Referring to claim 2:

i. Zubeldia et al. teach the claimed subject matter: a method for creating anonymity in collecting patient data (see claim 1 above). Zubeldia et al. further disclose the anonymity supplement component and the date/time component (see column 3, line 2-3; and column 2, lines 18-21 of Zubeldia et al.).

However, Zubeldia et al. do not specifically mention that said anonymous patient identifier includes a linear transformation of a media access control address component.

ii. Brandin et al. teach a system for network packet accounting wherein Brandin et al. disclose the linear transformation and the media access control address (see column 2, lines 35-36; and column 2, lines 62-64 of Brandin et al.).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Brandin et al. into the system of Zubeldia et al. to include a linear transformation of a media access control address.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Brandin et al. into the system of Zubeldia et al. to include a linear transformation of a media access control address, because it's well known in the art that the media access control address is uniquely assigned to a network device. Therefore, it can be utilized to form a unique identifier.

Referring to claim 15:

i. Zubeldia et al. teach:

A method for creating anonymity in collecting patient data, the method comprising:

receiving a medical report for a patient including patient identification data (see figure 2, element 52 'data record' received from input database, of Zubeldia et al.);

searching a patient record for an anonymous patient identifier corresponding to said patient wherein for an anonymous patient identifier wherein said patient record includes one ore more of the patient identification data, said searching returns said anonymous patient identifier in response to locating said anonymous

patient identifier and said searching returns a null value in response to not locating said anonymous patient identifier (see figure 2, element 68 'anonymization code database'; and column 3, lines 22-28, of Zubeldia et al.);

creating said anonymous patient identifier corresponding to said patient if said searching returns said null value (see figure 2, element 74 'anonymization code generation module'; and column 2, line 65, through column 3, line 3, of Zubeldia et al.);

adding said anonymous patient identifier to said medical report (see figure 2, element 80 'anonymization code insertion module'; and column 3, lines 22-28 of Zubeldia et al.);

removing said patient identification data from said medical report (see figure 2, element 78 'identifying element removal module'; and column 3, lines 22-28 of Zubeldia et al.); and

transmitting said medical report to a data repository in response to said removing (see figure 2, element 82 'data record' transmitted to output database, of Zubeldia et al.).

Zubeldia et al. further disclose the anonymity supplement (see column 3, lines 2-3 of Zubeldia et al.), the date/time (see column 2, lines 18-21; and column 4, lines 36-39 of Zubeldia et al.), and the encryption (see column 5, lines 65-67 of Zubeldia et al.).

However, Zubeldia et al. do not specifically mention linear transformation of the media access control address.

ii. Brandin et al. teach a system for network packet accounting wherein Brandin et al. disclose the linear transformation and the media access control address (see column 2, lines 35-36; and column 2, lines 62-64 of Brandin et al.).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Brandin et al. into the system of Zubeldia et al. to include a linear transformation of a media access control address.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Brandin et al. into the system of Zubeldia et al. to include a linear transformation of a media access control address, because it's well known in the art that the media access control address is uniquely assigned to a network device. Therefore, it can be utilized to form a unique identifier.

Referring to claims 19, 21:

i. Zubeldia et al. teach the claimed subject matter: a system for creating anonymity in collecting patient data (see claim 16 above). Zubeldia et al. further disclose the anonymity supplement (see column 3, lines 2-3 of Zubeldia et al.), the date/time (see column 2, lines 18-21; and column 4, lines 36-39 of Zubeldia et al.), and the encryption (see column 5, lines 65-67 of Zubeldia et al.).

However, Zubeldia et al. do not specifically mention linear transformation of the media access control address.

ii. Brandin et al. teach a system for network packet accounting wherein Brandin et al. disclose the linear transformation and the media access control address (see column 2, lines 35-36; and column 2, lines 62-64 of Brandin et al.).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Brandin et al. into the system of Zubeldia et al. to include a linear transformation of a media access control address.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Brandin et al. into the system of Zubeldia et al. to include a linear transformation of a media access control address, because it's well known in the art that the media access control address is uniquely assigned to a network device. Therefore, it can be utlized to form a unique identifier.

Referring to claim 22:

i. Zubeldia et al. teach:

An anonymous patient identifier encoding format for creating anonymity in collecting patient data, the format comprising a unique patient identifier (see column 1, lines 63-65 of Zubeldia et al.). Zubeldia et al. further disclose the

date/time (see column 2, lines 18-21; and column 4, lines 36-39 of Zubeldia et al.), an additional component (see column 3, lines 2-3 of Zubeldia et al.), and the encryption (see column 5, lines 65-67 of Zubeldia et al.).

However, Zubeldia et al. do not specifically mention the unique system identifier for creating the anonymous patient identifier.

ii. Brandin et al. teach a system for network packet accounting wherein Brandin et al. disclose the media access control address [i.e., unique system identifier] (see column 2, lines 35-36; and column 2, lines 62-64 of Brandin et al.).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Brandin et al. into the system of Zubeldia et al. to include the media access control address for creating anonymous patient identifier.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Brandin et al. into the system of Zubeldia et al. to include the media access control address for creating anonymous patient identifier, because it's well known in the art that the media access control address is uniquely assigned to a network device. Therefore, it can be utilized to form a unique identifier.

Referring to claim 23-25:

Zubeldia et al. and Brandin et al. teach the claimed subject matter: an anonymous patient identifier encoding format for creating anonymity in collecting patient data (see claim 22 above). Zubeldia et al. further disclose the linear transformation (see column 2, lines 35-36).

6. Claims 4-8, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zubeldia et al. (U.S. Pub. No.: 2004/0078238 A1) in view of Naik et al. (U.S. Patent No.: 5,548,647).

Referring to claims 5-8:

i. Zubeldia et al. teach the claimed subject matter: a method for creating anonymity in collecting patient data (see claim 1 above).

However, Zubeldia et al. do not specifically mention that said linear transformation includes a non-singular matrix.

ii. Naik et al. teaches a method wherein Naik et al. disclose the linear transformation and the matrix (see column 13, lines 12-25 of Naik et al.).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Naik et al. into the system of Zubeldia et al. to include a non-singular matrix for linear transformation.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Naik et al. into the system of Zubeldia et al. to include a non-singular matrix for linear transformation, because it's well known in the art that matrix is utilized in linear transformation (see column 13, lines 12-25 of Naik et al.).

Referring to claim 4:

Zubeldia et al. and Naik et al. teach the claimed subject matter: a method for creating anonymity in collecting patient data (see claim 5 above). Naik et al. further rotating a number that is incremented each time (see column 16, lines 55-59 of Naik et al.).

Referring to claim 12:

Zubeldia et al. and Naik et al. teach the claimed subject matter: a method for creating anonymity in collecting patient data (see claim 5 above). Naik et al. further discloses the concatenation (see column 11, lines 35-37 of Naik et al.).

Referring to claims 13-14:

Zubeldia et al. and Naik et al. teach the claimed subject matter: a method for creating anonymity in collecting patient data (see claim 5 above). Naik et al. further discloses the matrix (see column 13, lines 12-25 of Naik et al.).

Response to Arguments

7. Applicant's arguments filed on September 15, 2006 have been fully considered but they are not persuasive.

Applicant argues:

"Zubeidia does not teach "storing the anonymous patient identifier in the patient record" where "said patient record includes one or more of the patient identification data" as recited in Claim 1." (see page 2, second paragraph, Applicant Arguments/Remarks)

Examiner maintains:

Zubeidia discloses that "In another aspect, an anonymization code insertion module may insert the assigned **anonymization code** into the data record, while an identifying element removal module optionally removes the **plurality of identifying elements** from the data record, thus anonymizing or de-identifying the data record." (see column 3, lines 22-28 of Zubeidia)

Therefore, Zubeidia teaches "storing the anonymous patient identifier in the patient record" where "said patient record includes one or more of the patient identification data" as recited in Claim 1."

Applicant argues:

"Accordingly, Brandin is nonanalogous art, and the Examiner's reliance on Brandin is, therefore, improper." (see page 4, first paragraph, Applicant's Arguments/Remarks)

Examiner maintains:

See part (iv) of claim 22 above.

Applicant argues:

"Applicant submits that the reliance on Naik is improper because Naik is nonanalogous art" (see page 4, 4th paragraph, Applicant's Arguments/Remarks)

Examiner maintains:

See part (iv) of claims 5-8 above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

(a) MATSUDA et al. (U.S. Pub. No.: 2002/0133573 A1) disclose a dynamically configurable network architecture.

(b) Roelse (U.S. Pub. No.: 2002/0101986 A1) disclose a method of generating a linear transformation matrix A for use in a symmetric-key cipher.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Pan whose telephone number is 571-272-5987.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone

numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Joseph Pan
November 17, 2006

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100